

1 JOHN R. BAILEY  
Nevada Bar No. 000137  
2 DENNIS L. KENNEDY  
Nevada Bar No. 001462  
3 RUSSELL J. BURKE  
Nevada Bar No. 12710  
4 BAILEY KENNEDY  
8984 Spanish Ridge Avenue  
5 Las Vegas, Nevada 89148  
Telephone: (702) 562-8820  
6 [jbailey@baileykennedy.com](mailto:jbailey@baileykennedy.com)  
[dkennedy@baileykennedy.com](mailto:dkennedy@baileykennedy.com)  
7 [rburke@baileykennedy.com](mailto:rburke@baileykennedy.com)

8 BIJAN AMINI (*Pro Hac Vice*)  
LITA BETH WRIGHT (*Pro Hac Vice*)  
9 NOAM BESDIN (*Pro Hac Vice*)  
STORCH AMINI & MUNVES PC  
10 140 East 45th Street  
New York, New York 10017  
11 Telephone: (212) 490-4100  
[bamini@samlegal.com](mailto:bamini@samlegal.com)  
12 [lbwright@samlegal.com](mailto:lbwright@samlegal.com)  
[nbesdin@samlegal.com](mailto:nbesdin@samlegal.com)  
13

*Attorneys for Plaintiff*  
14 JOHN P. BRINCKO, as Chapter 11  
Trustee Of Debtor National Consumer  
15 Mortgage, LLC

16 UNITED STATES DISTRICT COURT

17 DISTRICT OF NEVADA

18 JOHN P. BRINCKO, as Chapter 11 Trustee of ) 2:10-cv-00930-PMP-PAL  
Debtor National Consumer Mortgage, LLC, )

19 Plaintiff, )

STIPULATION OF DISMISSAL AND  
ORDER

20 vs. )

21 RIO PROPERTIES INC., )

22 Defendant. )  
23  
24  
25

1 WHEREAS, the above-captioned action (the “Action”) was tried before a jury from  
2 January 21 to February 3, 2014, in the United States District Court, District of Nevada, Case No.  
3 2:10-CV-00930;

4 WHEREAS, the jury rendered its verdict on February 3, 2014; *and*

5 WHEREAS, defendant Rio Properties, Inc. (the “Rio”) filed a proposed judgment on  
6 February 11, 2014 (Docket No. 382), which plaintiff John P. Brincko (the “Trustee”), as Chapter  
7 11 Trustee of Debtor National Consumer Mortgage, LLC (the “Debtor”) opposed on March 3,  
8 2014 (Docket No. 386), to which Rio replied on March 10, 2014 (Docket No. 387); *and*

9 WHEREAS, Plaintiff filed a proposed judgment, and moved the Court for prejudgment  
10 interest and post-judgment interest, on February 13, 2014 (Docket No. 383) (“Plaintiff’s  
11 Motion”), which Rio opposed on March 3, 2014 (Docket No. 385), to which Plaintiff replied on  
12 March 10, 2014 (Docket No. 388); *and*

13 WHEREAS, the Court issued an Order, dated May 8, 2014 (Docket No. 389), granting  
14 in part and denying in part Rio’s Motion, and granting in part and denying in part Plaintiff’s  
15 Motion (the “May 8 Order”);

16 WHEREAS, the May 8 Order directed Plaintiff to file, by June 6, 2014, a proposed  
17 judgment consistent with the jury’s verdict and the May 8 Order;

18 WHEREAS, pursuant to the May 8 Order, Plaintiff filed a Notice of Submission of  
19 Proposed Judgment on May 22, 2014 (Dkt No. 301) (the “Proposed Judgment”);

20 WHEREAS, on June 3, 2014, the parties executed a settlement agreement resolving the  
21 disputes between them (the “Settlement”);

22 WHEREAS, Plaintiff, as Chapter 11 Trustee of the Debtor, filed a motion on June 18,  
23 2014 pursuant to Fed. Bankr. R. 9019 in the United States Bankruptcy Court for the Central  
24 District of California (the “Bankruptcy Court”), where the Debtor’s bankruptcy case is pending,  
25 *seeking an order approving the Settlement (the “9019 Motion”);*

WHEREAS, on July 28, 2014, this Court ordered the parties to file a joint status report regarding the proceedings before the Bankruptcy Court on or before August 28, 2014 (Docket No. 404);

WHEREAS, on August 26, 2014, the Bankruptcy Court entered an Order approving the Settlement (Case 8:06-bk-10429-TA, Docket No. 694);

IT IS HEREBY STIPULATED AND AGREED, by and between Plaintiff and the Rio, by and through their respective undersigned counsel, that the Action is hereby dismissed with prejudice in its entirety pursuant to Rule 41(a)(1)(ii) of the Federal Rules of Civil Procedure.

Respectfully submitted,

**BAILEY KENNEDY LLP**

By: /s/Russell J. Burke  
JOHN R. BAILEY  
DENNIS L. KENNEDY  
RUSSELL J. BURKE  
8984 Spanish Ridge Avenue  
Las Vegas, Nevada 89148

**STORCH AMINI & MUNVES PC**

BIJAN AMINI  
LITA BETH WRIGHT  
NOAM M. BESDIN  
140 East 45th Street  
New York, New York 10017

*Attorneys for Plaintiff*  
JOHN P. BRINCKO, as Chapter 11  
Trustee Of Debtor National Consumer  
Mortgage, LLC

**IT IS SO ORDERED.**

Dated this 28<sup>th</sup> day of August, 2014.

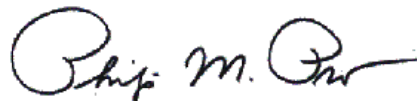
**HOLLEY, DRIGGS, WALCH, PUZEY & THOMPSON**

By: /s/James D. Boyle  
JAMES D. BOYLE  
400 South Fourth Street, Third Floor  
Las Vegas, Nevada 89101

**GIBSON, DUNN & CRUTCHER LLP**

JAMES P. FOGELMAN  
SHANNON E. MADER  
333 South Grand Avenue, Forty-Seventh Floor  
Los Angeles, California 90071

*Attorneys for Defendant*  
RIO PROPERTIES, INC.



PHILIP M. PRO,  
UNITED STATES DISTRICT JUDGE